



Paper No. 7

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**MAIL**

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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
Allen Topping, et al.  
Application No.: 09/207,339  
Filed: December 8, 1998  
For: AUTOMATED IDENTIFICATION  
THROUGH ANALYSIS OF OPTICAL  
BIREFRINGENCE WITHIN NAIL BEDS

## DECISION ON PETITION

This is a response to the paper filed July 31, 2002. The paper is being treated as a petition to withdraw holding of abandonment.

This application is in an abandoned status for failure to respond to the Office action mailed May 23, 2001. A Notice of Abandonment has not been mailed.

Subsequent to the mailing of the Office action, applicant filed a petition for one month extension which was received by the Patent and Trademark Office on August 13, 2001. On October 5, 2001, applicant filed a petition for two additional months extension. The two petitions resulted in a total of three months extension which established a statutory due date of November 23, 2001 for the applicant to respond to the Office action of May 23, 2001. A request for change of correspondence address was filed February 25, 2002.

The petition includes evidence by way of a copy of three post card receipts showing receipt by the Office of the two requests for extension of time and "Response to Action". The post card receipt showing receipt of the response has a receipt date of February 4, 2002 stamped thereon. The petition also includes an unsigned copy of the response. The February 4, 2002 date shown on the copy of the post card acknowledging receipt of the response is after the six month statutory due date of November 23, 2001. However, the copy of the response has a "Notice of Mailing" thereon (also unsigned) showing a mailing date of November 20, 2001. This date is prior to the expiration of the extended period for response. The Notice of Mailing is being treated under the guidelines of 37 CFR 1.8(a).

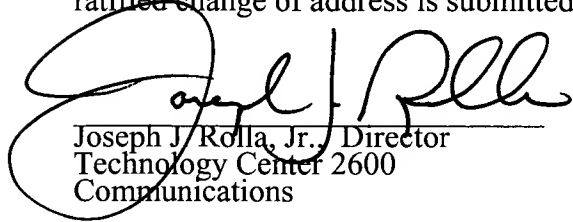
The petition is **DISMISSED**.

The Notice of Mailing (Certificate of Mailing) on the copy of the amendment is not signed. 37 CFR 1.8(a)(1)(ii) requires signature on the Certificate of Mailing. Additionally, the amendment must be signed. It is further noted that all papers filed by applicant subsequent to the Office action have been signed by only one inventor. This application file is being prosecuted by the inventors themselves (pro se) without attorney/agent or assignee. When prosecuting a case pro se, any response by applicant must be signed by **all** inventors unless power of attorney is granted to a single signer.

In order to have the abandonment withdrawn, applicant, in response to this decision **MUST** include (1) a signed copy of the amendment; and (2) a signed certificate of mailing (the certificate of mailing must be signed by the person who performed the original mailing--all inventors need not sign the certificate). The two requests for extension of time, the change of address as well as the copy of the amendment **MUST** be resubmitted with the signatures of all inventors in order for them to be effective.

Applicant is given **TWO MONTHS** from the date of this decision to file the copy of the amendment, properly signed by all inventors as outline above including the signed Certificate of Mailing. Applicant should also consider submitting the other papers properly signed at the same time.

The request for change of address is not effective until such a time as it is properly ratified by all inventors. A courtesy copy of this decision is being sent the address listed in the request for change of address. However, all future correspondence will be directed to the above address until a properly ratified change of address is submitted.



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Technology Center 2600  
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